



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/065,571	10/31/2002	James J. Cigelske JR.	ITW7510.030	9745

33647 7590 11/02/2004

ZIOLKOWSKI PATENT SOLUTIONS GROUP, LLC (ITW)
14135 NORTH CEDARBURG ROAD
MEQUON, WI 53097

EXAMINER

TRAN, LEN

ART UNIT	PAPER NUMBER
----------	--------------

1725

DATE MAILED: 11/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/065,571

Applicant(s)

CIGELSKE ET AL.

Examiner

Len Tran

Art Unit

1725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Achtner (US 6,489,591), and further in view of Lentz (US 4,368,563).

Achtner discloses the method and apparatus for assembling an end panel to the base of the welding apparatus comprising an end panel having a receptacle area formed therein and a base having an end interfitted into the receptacle area of the end panel. The receptacle area

Art Unit: 1725

comprises angled internal lateral surfaces and the base includes angled external sides adapted to interfit in close proximity to the angled internal surfaces of the end panel to stabilize the affixation of the base and the end panel, wherein the base has an upper surface and the receptacle area includes plurality of oriented ribs adapted to fit over and contact the upper surface of the base to provide vertical stability to the base interfitted to the end panel (figures and col. 3, lines 29-36).

Achtner discloses the claimed invention above and locking means comprise of fastener. However, Achtner fails to teach the base having at least one snap having a distal end with an opening therein and extending outwardly from the end of the panel, then end panel having at least one ramp formed thereon that is generally in alignment with the at least one snap, whereby the distal end of the at least one snap is engaged to the at least one ramp to retain the end panel to the base, wherein the ramp formed within the receptacle area of the end panel has an upper surface inclined upwardly in the direction away from the base and ending in a rear vertical wall.

Lentz is introduced to disclose a locking mean comprising a housing (18) with a tongue (14) having a central opening (20) and a buckle (12) with a latch (56) at an inclined angle with a latch face (60) to be connected, locked, with opening (20).

Therefore, it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to provide the locking mechanism with a snap fit and a ramp as taught by Lentz, in Achtner in order to replace the fastening method of Achtner. The advantage of Lentz's locking mean eliminates the use of screws or bolts.

Response to Arguments

4. Applicant's arguments filed 8/19/04 have been fully considered but they are not persuasive.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Achtner discloses the claimed invention above and locking means comprise of fastener. However, Achtner fails to teach the base having at least one snap having a distal end with an opening therein and extending outwardly from the end of the panel, then end panel having at least one ramp formed thereon that is generally in alignment with the at least one snap, whereby the distal end of the at least one snap is engaged to the at least one ramp to retain the end panel to the base, wherein the ramp formed within the receptacle area of the end panel has an upper surface inclined upwardly in the direction away from the base and ending in a rear vertical wall. Lentz is introduced to disclose a locking mean comprising a housing (18) with a tongue (14) having a central opening (20) and a buckle (12) with a latch (56) at an inclined angle with a latch face (60) to be connected, locked, with opening (20). Therefore, it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to provide the locking mechanism with a snap fit and a ramp as taught by Lentz, in Achtner in order to

Art Unit: 1725

replace the fastening method of Achtner. The advantage of Lentz's locking mean eliminates the use of screws or bolts.

In response to applicant's argument that Lentz is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Lentz discloses a locking mean comprising a housing (18) with a tongue (14) having a central opening (20) and a buckle (12) with a latch (56) at an inclined angle with a latch face (60) to be connected, locked, with opening (20). Therefore, it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to provide the locking mechanism with a snap fit and a ramp as taught by Lentz, in Achtner in order to replace the fastening method of Achtner. The advantage of Lentz's locking mean eliminates the use of screws or bolts.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 1725

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Inquiry


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Len Tran whose telephone number is (571) 272-1184. The examiner can normally be reached on M-F, 8:30 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dunn can be reached on (571) 272-1171. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Len Tran
Examiner
Art Unit 1725

LT
October 27, 2004


TOM DUNN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700